

December 6, 2002

Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capital Heights, MD 20743

Michelle L. Chemotti  
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Re: Letter of Appeal  
Case #136323  
471 Application # 265168  
Billed Entity # 124758  
FRN #691290  
CC Docket No. 96-45  
CC Docket No. 97-21

To Whom It May Concern:

During the application process for E-rate Program Year IV (Funding Year 2001) Thomas Communications & Technologies, LLC (TC&T) applied on behalf of Broome-Tioga BOCES for funding for their telecommunications services with Time Warner. The FRN for these services was not funded because the vendor, Time Warner, admittedly provided TC&T with the wrong SPIN number.

On September 5, 2001, TC&T appealed this decision by sending a letter of appeal to the SLD. To this date we have not received written correspondence from the SLD, but on October 7, 2002, in a phone call with Helen Gayles, from the SLD, we were given case #136323 and we were told the appeal had been denied. She then proceeded to tell us it was because the appeal letter looked like a SPIN change request and did not follow the guidelines for an appeal.

Because, the FRN was denied for incorrect SPIN, of course the appeal letter would reference the SPIN number repeatedly and request the SPIN also be changed as well as the denied funding decision approved. However, since SPIN changes are not normally done for denied FRN's, and the letter clearly identifies the denied FRN as a SPIN problem, this FRN should be approved as Time Warner, SPIN #143000029.

Sincerely,

**Thomas Communications & Technologies, LLC**

Michelle L. Chemotti  
Manager of E-rate Services

September 4, 2001

# Thomas Communications & Technologies

Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

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Re: 471 Application Number 265168  
Billed Entity Number 124758

To Whom It May Concern:

During the application process for E-rate Program Year IV, Thomas Communications & Technologies, LLC (TC&T) applied on behalf of Broome-Tioga BOCES for funding for their telecommunications services with Time Warner, The FRN for these services was not funded due the vendor providing TC&T with the wrong SPIN number.

In previous program years, funding for telecommunication services with Time Warner was applied for and awarded under SPIN 143000029 (Time Warner Telecom of New York L.P.). However, in completing the 471 application for program year IV, TC&T was instructed by Ms. Dolly Mayne of the Binghamton Division of Time Warner to use SPIN 143005679 (Time Warner Cable (Albany Division)).

Upon receipt of the Funding Commitment Decision Letter, TC&T noticed that funding was denied for telecommunication services with Time Warner (FRN691290) because this FRN is a request for Telecommunications Service from a provider that does not provide telecommunications on a common carriage basis.

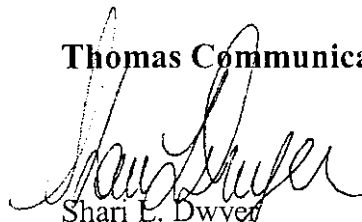
TC&T contacted Ms. Mayne who stated that she had misinformed us during the application process and that Broome-Tioga BOCES's telecommunications services with Time Warner should be funded under SPIN 143000029.

Therefore, TC&T is requesting that the SPIN for FRN 691290 be changed to 143000029 and the funding requested be approved. This will enable Broome-Tioga BOCES to receive vital funding for their telecommunications services.

Thank you for your attention to this matter.

Sincerely;

**Thomas Communications & Technologies, LLC**



Shari L. Dwyer  
Director of Telecommunications Consulting Services

SLD:maa

**From:** Gillian Shumway  
**To:** Chemotti, Michelle; Zahn, Alveda  
**Date:** 10/22/02 1:49PM  
**Subject:** BT BOCES Appeal

Hello-

I spoke to Helen Gales last night regarding not getting a formal notification of the denied appeal for PY4 BT BOCES-Time Warner FRN. Helen said to use the date of our phone conversation which was 10/7/02 Please refer to case number 136323 as reference of denial.

Thanks-  
Gillian

## Time Warner Appeal

### NOTES:

On 10/07/2002, Helen Gales from the Schools and Libraries Division informed me that the original appeal letter for FRN 691290 was not processed as an appeal (Case number 136323). The letter did not follow the guidelines for an appeal. The letter did not include all the needed information to be processed as an appeal therefore it was dismissed. Helen Gales suggested that another appeal be sent to the FCC. That appeal would need to take place within 60 days.

## Packing List

**Date of Shipment: 12/6/02**

**Ship to:**

Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capital Heights, MD 2074

**Shipped By:**

Thomas Communications & Technologies, LLC  
217 Montgomery Street  
6th Floor  
Syracuse, NY 13202  
315-426-8445

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DEC 9 - 2002

**FCC - MAILROOM**

**UPS Tracking Number: 1Z5R73A70197142075**

**Package Contents:** Letters of Appeal

[illegible]

**Number of pieces:** 2

Prepared by: Alveda M. Zahn

Initiated: